

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KMOD FIT LLC, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

THE HANOVER AMERICAN INSURANCE
COMPANY and THE HANOVER
INSURANCE GROUP, INC.,

Defendants.

CASE NO. 20-12007-TSH

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a), Plaintiff, KMOD Fit LLC provides notice of its dismissal without prejudice of the above-captioned action. Pursuant to Fed. R. Civ. P. 41(a)(1)(A) and (B), this Notice dismisses the action, a court order is not necessary for dismissal, and the dismissal is without prejudice, given the following:

1. The Defendants have not filed an answer or a motion for summary judgment in response to the Plaintiff's complaint.
2. Fed. R. Civ. P. 23(e) does not require the Court's approval for a Plaintiff to dismiss a class complaint if the class has not yet been certified. A class has not yet been certified in the instant matter.
3. This dismissal is without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B) because the Plaintiff has not "previously dismissed any federal- or state-court action based on or including the same claim ..."

Accordingly, the Plaintiff dismisses the above-captioned action without prejudice pursuant to Fed. R. Civ. P. 41(a).

Dated: June 28, 2022

Respectfully submitted,

/s/ John Roddy
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) on June 28, 2022.

/s/ John Roddy
John Roddy